

**REMARKS**

Applicants respectfully request reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 1-4, 6, and 8-22 are pending in the application, with claims 1, 19, and 21 being independent. Claims 5 and 7 have been canceled without prejudice to or disclaimer of the subject matter recited therein. Claims 1, 2, 4, and 6 have been amended, and claims 21 and 22 have been newly added. Support for the claim amendments and additions can be found in the original disclosure as filed. No new matter has been added.

**Allowable Subject Matter**

Prior to this response, claims 1-20 were pending in the application. The Office Action Summary indicates that claims 1-19 were rejected. Claim 20 was not addressed in the Office Action Summary or the body of the Office Action. None of the cited documents discloses or suggests the features of claim 20. Accordingly, claim 20 is believed to be allowable over the cited documents.

**§ 102 Rejection**

1. **Claims 1-3, 6, and 10** were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,495,620 (Schoenweiss et al.). This rejection is respectfully traversed. Nevertheless, without conceding the propriety of the rejection, claims 1, 2, and 6 have been amended to even more clearly recite features of Applicant's invention.

**Independent claim 1**, as presently presented, is directed to a protective garment, and recites, among other things, a first protective panel attached to the breast portion of the base fabric, and a second protective panel attached to the breast portion of the base fabric, wherein the first and second protective panels are positioned in a non-overlapping configuration.

Schoenweiss et al. fails to disclose or suggest such features. Schoenweiss et al. is directed to a body armor vest, and discloses "a front pocket 29 is dimensioned to serve as a carrier for a flexible ballistic panel 34 (see FIG. 3) that extends over the front of the wearer's torso" and a "third pocket 37 is optionally located centrally ... and is dimensioned and configured to serve as a carrier for a 'trauma' armor plate [39] which can be contained therein to provide supplemental protection to vital organs like the heart" (col. 4, lines 32-36 and lines 45-51). However, Schoenweiss et al. fails to disclose or suggest first and second protective panels attached to the breast portion and "positioned in a non-overlapping configuration," as presently recited in independent claim 1.

Accordingly, Applicant submits that claim 1 is allowable over the Schoenweiss et al. patent.

**Dependent claims 2, 3, 6, and 10** are also allowable for the same reasons as independent claim 1, from which they depend, as well as for additional features that they recite. Individual consideration of each dependent claim is requested.

In particular, **dependent claim 2**, as presently presented, recites "wherein each of the first and second protective panels comprises a substantially rectangular panel, and wherein the first protective panel is positioned on a right side of the breast portion and the second protective panel is positioned on a left side of the breast portion." Schoenweiss et

al. also fails to disclose or suggest such features. Rather, the flexible ballistic panel 34 of Schoenweiss et al. "extends over the front of the wearer's torso," as shown in FIG. 1.

**Dependent claim 3** recites the garment "further comprising a collar portion." Schoenweiss et al. also fails to disclose or suggest a garment having a collar portion. The Office Action asserts that a collar portion is shown in FIG. 1. However, Schoenweiss et al. describes at column 4, lines 16-19, that "the vest 12 is provided with a yoke opening 20 at the neck through which the neck of the shirt 14 protrudes and which is concealed beneath the tuck of the underlying shirt collar 22." Thus, the collar portion shown in FIG. 1 of Schoenweiss et al. belongs to the underlying shirt, not the body armor vest.

Accordingly, dependent claims 2 and 3 are allowable for at least these additional reasons.

#### **§ 103 Rejections**

2. **Claims 4 and 5** were rejected under 35 U.S.C. § 103(a) as being obvious over Schoenweiss et al. in view of U.S. Patent No. 6,260,196 B1 (van der Sleen). This rejection is respectfully traversed. Nevertheless, without conceding the propriety of the rejection, claim 4 has been amended to more clearly recite features of Applicant's invention. Also, claim 5 has been cancelled, thereby rendering moot the rejection of that claim.

Claim 4 depends from independent claim 1 and, therefore, includes all of the features of that claim.

van der Sleen is directed to a protective garment with floating armor system, and discloses that a "jacket 10 of FIG. 1 includes a rear outer panel 14 and sleeves 16"

and that “[p]rotective armor is preferably located in areas of greatest exposure and/or vulnerability to injury, such as the rear panel, and over the joints at the shoulder and collarbone areas, the elbows, and the knees” (col. 3, lines 30-37). However, van der Sleesen fails to teach or suggest first and second protective panels attached to the breast portion and “positioned in a non-overlapping configuration,” as presently recited in independent claim 1. Thus, van der Sleesen fails to remedy the deficiencies in Schoenweiss et al. noted above with respect to independent claim 1.

In addition, **dependent claim 4**, as presently presented, recites “a pair of sleeves attached to the base fabric for receiving the person's arms, and a protective panel attached to a forearm portion of each sleeve.” van der Sleesen discloses a garment having sleeves, but is silent as to “a protective panel attached to a forearm portion of each sleeve,” as recited in claim 4.

Accordingly, claim 4 is allowable by virtue of its dependency from claim 1, as well as for the additional features that it recites.

3. **Claims 11-18** were rejected under 35 U.S.C. § 103(a) as being obvious over Schoenweiss et al. in view of U.S. Patent No. 6,154,880 (Bachner, Jr.). This rejection is respectfully traversed.

Claims 11-18 depend from independent claim 1 and, therefore, includes all of the features of that claim.

Bachner, Jr. is directed to a puncture resistant protective garment, and discloses “a puncture resistant garment 20 having a plurality of layers of woven sheets 22 ... of an

aramid fiber" (col. 5, lines 33-36). In addition, Bachner, Jr. discloses at column 6, lines 9-19, that:

the aramid fibers 24 are at least 200 denier and have break elongation of 3.45 percent (3.45%) and tenacity of at least 27.0 grams per denier and a modulus of 730 grams per denier. Aramid fibers constructed of Kevlar® 159, manufactured by DuPont Corporation, of Wilmington, Del. are preferably used to be woven into a 70 fiber per inch x 70 fiber per inch weave forming the aforementioned sheets 22. An individually layered woven sheet 22 preferably employed has a weight of approximately 3.8 ounces per square yard and a thickness of only 0.007 inches (7 mils).

However, Bachner, Jr. fails to disclose or suggest first and second protective panels attached to the breast portion and "positioned in a non-overlapping configuration," as presently recited in independent claim 1. Thus, Bachner, Jr. fails to remedy the deficiencies in Schoenweiss et al. noted above with respect to independent claim 1.

Accordingly, claims 11-18 are allowable by virtue of their dependency from claim 1, as well as for the additional features that they recite.

4. Claims 7-9 were rejected under 35 U.S.C. § 103(a) as being obvious over Schoenweiss et al. in view of U.S. Patent No. 5,247,707 (Parker et al.). This rejection is respectfully traversed. Nevertheless, without conceding the propriety of the rejection, claim 7 has been canceled, rendering the rejection of that claim moot.

Claims 8 and 9 depend from independent claim 1 and, therefore, include all of the features of that claim.

Parker et al. is directed to a utility vest with an integrally carried pack, and discloses that "two straps 12a and 12b are shown in FIGS. 1 and 3, protruding through

the vest 10 and terminating in belt loops 14" (col. 3, lines 43-45). However, Parker et al. fails to remedy the deficiencies in Schoenweiss et al. noted above with respect to independent claim 1. Accordingly, claims 8 and 9 are allowable by virtue of their dependency from claim 1, as well as for the additional features that they recite.

5. **Claim 19** was rejected under 35 U.S.C. § 103(a) as being obvious over Schoenweiss et al. in view of U.S. Patent No. 6,141,800 (Regan). This rejection is respectfully traversed.

**Independent claim 19** is directed to a garment suitable to be worn on a lower arm portion of a user, and recites, among other things, a base fabric having an elongated portion with an opening suitable for receiving a person's arm, and a hand portion attached to the elongated portion, wherin the hand portion comprises a first protective panel attached thereto.

As discussed above, Schoenweiss et al. discloses a body armor vest having "a flexible ballistic panel 34" and "a 'trauma' armor plate [39]" (col. 4, lines 32-36 and lines 45-51). However, Schoenweiss et al. fails to disclose or suggest a garment suitable to be worn on a lower arm portion of a user, let alone such a garment having "a base fabric having an elongated portion with an opening suitable for receiving a person's arm; and a hand portion attached to the elongated portion, wherein the hand portion comprises a first protective panel attached thereto," as recited in independent claim 19.

Regan is directed to a protective hockey shirt, and discloses a shirt that "includes sleeves, with cuff assemblies [that] include a slash guard retaining pocket" for retaining a wrist guard. However, Regan fails to disclose or suggest "a hand portion attached to the

elongated portion" and that "the hand portion comprises a first protective panel attached thereto," as recited in independent claim 19. Accordingly, Regan fails to remedy the deficiencies in Schoenweiss et al. noted above with respect to independent claim 19.

For at least the foregoing reasons, independent claim 19 is allowable over Schoenweiss et al. and Regan, whether those documents are taken alone or in combination (assuming for the sake of argument that the documents can even be combined).

**6. Dependent claim 20 was not rejected over prior art and is therefore believed to be allowable.**

Claim 20 depends from independent claim 19 and, therefore, includes all of the features of that claim. Accordingly, claim 20 is allowable by virtue of its dependency from claim 1, as well as for the additional features that it recites.

In particular, claim 20 recites that "a second protective panel attached to the elongated portion of the base fabric." Neither Schoenweiss et al. nor Regan discloses such a feature. Accordingly, claim 20 is allowable for at least this additional reason.

**7. New claims 21 and 22 recite additional features of Applicant's invention that are neither disclosed nor suggested by the cited documents.**

For example, new independent claim 21 recites "[a] garment suitable to be worn on an upper body of a person, comprising: a base fabric having a breast portion, a back portion, and a pair of sleeves; a first protective panel attached to the breast portion of the base fabric to protect the upper body portion of the person from abrasion; and a

protective panel attached to a forearm portion of each of the sleeves to protect a forearm portion of the person from abrasion."

As noted above, Schoenweiss et al. discloses a body armor vest having "a flexible ballistic panel 34" and "a 'trauma' armor plate [39]"; van der Sleen discloses a jacket having protective armor on "the rear panel, and over the joints at the shoulder and collarbone areas, the elbows, and the knees"; and Regan discloses a shirt that "includes sleeves, with cuff assemblies [that] include a slash guard retaining pocket" for retaining a wrist guard. However, none of the cited documents, whether taken alone or in combination (assuming, for the sake of argument, that they can even be combined), discloses or suggests the combination of features of new claim 21.

**New dependent claim 22 depends from claim 1 and is, therefore, allowable for at least the same reasons as that claim, as well as for the additional features that it recites.**

New claims 21 and 22 are allowable for at least the foregoing reasons.

#### CONCLUSION

For at least the foregoing reasons, claims 1-4, 6, and 8-22 are in condition for allowance. Applicant respectfully requests reconsideration and withdrawal of the rejections and an early notice of allowance.

If any issue remains unresolved that would prevent allowance of this case, the Examiner is requested to contact the undersigned attorney to resolve the issue.

Respectfully submitted,

Date: 7/1/05

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